

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Darryl Shane Murphy,

Civil No. 07-153 (RHK/JSM)

Petitioner,

ORDER

v.

Robert Feneis,

Respondent.

Before the Court are Petitioner's Objections to the June 25, 2007 Report and Recommendation of Magistrate Judge Janie S. Mayeron. Judge Mayeron recommended the dismissal of Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254.

The Court has reviewed de novo the Report and Recommendation and the Objections thereto. That review demonstrates that Judge Mayeron's thorough and well-reasoned recommendations are fully supported by the record before her and controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED** that:

1. Petitioner's Objections (Doc. No. 24) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 23) is **ADOPTED**;
3. Respondent's Motion to Dismiss (Doc. No. 15) is **GRANTED**;
4. Petitioner's Motion for Stay and Abeyance of this Petition for Writ of Habeas Corpus by a Person Being Held in State Custody (Doc. No. 2) is **DENIED**; and

5. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No. 1) is

DISMISSED WITH PREJUDICE.

Dated: August 10, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge